

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 1/7/2025

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MARIA TORRES, *individually and as
administrator of the Estate of Rosa Pena and the
Estate of Rosa Pena,*

Plaintiff,

-against-

MOUNT SINAI HOSPITAL, JANE DOE(S), and
JOHN DOE(S),

Defendants.

1:24-cv-05769-MKV

ORDER

MARY KAY VYSKOCIL, United States District Judge:

This action was commenced by the filing of a Complaint. [ECF No. 1]. Defendant filed an Answer to the Complaint on August 29, 2024. [ECF No. 5]. Subsequently, this Court ordered Plaintiff to file a letter by October 31, 2024 showing cause why this case should not be dismissed for lack of federal subject matter jurisdiction. [ECF No. 7]. The Court caused Plaintiff's letter in response to be filed on the docket. [ECF No. 10]. The Court scheduled a conference on January 7, 2025 at 11:30 AM in Courtroom 18C of the Daniel Patrick Moynihan Courthouse, 500 Pearl Street, New York, New York. [ECF No. 12].

Plaintiff appeared at the scheduled conference and Defense counsel did not. At the conference, Plaintiff indicated that she intended to file an opposition to the Defendant's motion to dismiss. The Court explained that there is no motion to dismiss in this case, instead Defendant answered the Complaint so discovery should move forward. Plaintiff then requested leave to amend her Complaint, which the Court granted. Plaintiff also notified the court that she is a barred attorney in New Jersey and intends to appear *pro hac vice*. The Court provided Plaintiff with a form Proposed Case Management Plan and directed her to work with Defendant's counsel to complete the form.

Accordingly, IT IS HEREBY ORDERED that on or before January 14, 2025, Defense counsel shall show cause why he should not be sanctioned for failure to follow this Court's order.

IT IS FURTHER ORDERED that Plaintiff shall apply to be admitted *pro hac vice* expeditiously.

IT IS FURTHER ORDERED that Plaintiff shall file an amended complaint by January 24, 2025 and file a related case form if applicable. Defendant shall respond to the Amended Complaint on or before February 7, 2025.

IT IS FURTHER ORDERED that in accordance with this Court's Individual Rules of Practice, if the Defendant files an Answer to the Amended Complaint then, on or before February 25, 2025, parties shall (i) commence discovery, (ii) meet face-to-face for at least one hour to discuss the possibility of settlement (iii) file a Proposed Case Management Plan and Scheduling Order and (iv) file a joint status letter. The documents should be filed on ECF and sent to this Court via email (in both PDF and Microsoft Word formats) one week prior to the conference date. The status letter may not exceed 6 pages and must include the following:

1. A brief statement of the nature of the case, the principal claims and defenses, and the major legal and factual issues that are most important to resolving the case;
2. A brief statement by the plaintiff, or by the defendant in removed cases, as to the basis of subject matter jurisdiction and venue, and a brief statement by each other party as to the presence or absence of subject matter jurisdiction and venue. Statements shall include citations to relevant statutes. In cases invoking the Court's diversity jurisdiction, the parties should state both the place of incorporation and the principal place of business of any party that is a corporation, and the citizenship of all members,

shareholders, partners, and/or trustees of any party that is a partnership, limited partnership, limited liability company, or trust;

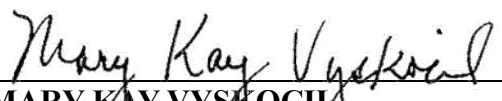
3. A statement of procedural posture, including
 - a. A brief description of any (i) motions that have been made and decided, (ii) motions that any party seeks or intends to file, including the principal legal and other grounds in support of and opposition to the motion, (iii) pending motions and (iv) other applications that are expected to be made at the conference;
 - b. A brief description of any discovery that has already taken place, and a brief description of any discovery that the parties intend to take in the future; and
 - c. A statement describing the status of any settlement discussions and whether the parties would like a settlement conference; and
4. Any other information the parties believe may assist the Court in resolving the action.

Any request for an extension or adjournment shall be made by letter filed on ECF and must be received at least 72 hours before the deadline or conference.

The parties are reminded that failure to comply with this Order or with any order of the Court or failure to comply with the FRCP, the Local Rules for the SDNY or this Court's Individual Practice Rules, or the parties' discovery or other obligations thereunder may result in sanctions, including monetary penalties on counsel and/or the parties, dismissal or preclusion of claims, defenses, arguments, or evidence.

SO ORDERED.

**Date: January 7, 2025
New York, NY**


MARY KAY VYSKOCIL
United States District Judge